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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,043	03/20/2001	John T. McDonald	END920000076US1(13997)	3529

7590 02/10/2004

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400 Garden City Plaza  
Garden City, NY 11530

EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/814,043

Applicant(s)

MCDONALD ET AL.

Examiner

Todd Ingberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Requirement For Information - 37 USC § 1.105***

1. Applicant and Assignee of this application are required under 37 CFR 1.105 to provide the following that the Examiner has determined is reasonably necessary to the examination of this application.

The *scope of the requirement for information* is the Assignee's IBM response to :  
“ Is the instant invention related to the commercial for sale and for use product IBM FlowMark or IBM MQSeries Workflow ?” If so please, indicate the improvement made to the well known for sale and for use IBM product.

Where applicant does not have or cannot have readily obtained items of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope

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of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 C.F.R. 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 1 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Correspondence Information***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775. The examiner can normally be reached during the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday
6:15 – 1:30	6:15- 3:45	6:15 – 4:45	6:15-3:45	6:15-130

This schedule began December 1, 2003 and is subject to change.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4,

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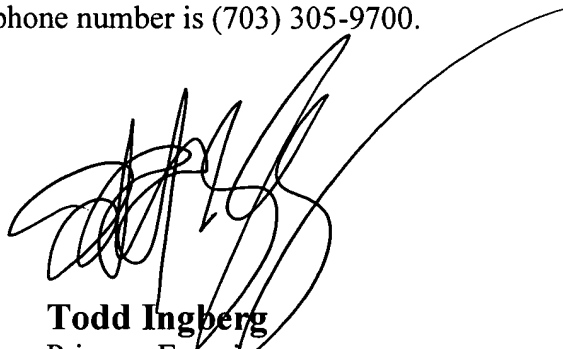
2003 the **FAX number** changed for the organization where this application or proceeding is assigned is **(703) 872-9306**.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



**Todd Ingberg**  
Primary Examiner  
Art Unit 2124  
February 8, 2004



**KAKALI CHAKI**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### DETAILED ACTION

Claims 1 – 15 have been examined.

#### *Information Disclosure Statement*

1. Assignee's commercial product Flowmark is used in this rejection. In the event the invention is related to the commercial product Flowmark the record is silent as to an Information Disclosure.

2. Please, note the issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: Is the instant invention related to the commercial for sale and for use product IBM FlowMark or IBM MQSeries Workflow.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

#### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 15 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. IBM MQSeries Workflow Getting Started with Buildtime Version 3.12" Third Edition released December 1998 (Referred to as **IBM** ).

4. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: Is the instant invention related to the commercial for sale and for use product IBM FlowMark or IBM MQSeries Workflow?

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Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

**Claim 1**

**IBM** anticipates a method of providing a flexible infrastructure for managing a process, comprising:

defining a workflow type; building a workflow pointer that defines the location of a database within a network, said database including, a set of database templates, and said database template including defined features, coding subforms for the defined workflow type; displaying the subforms to application users; accessing the database templates to build a set of documents, including

- i) defining and customizing -role documents,
- ii) building process flow documents for the defined workflow type, and
- iii) building action control documents for determining what happens to the defined workflow type; and running a set of agents to generate files that map application defined workflows into pages and actions that can be called and executed.

Examiner's Response

**IBM** anticipates a Workflow system that builds a database to support the Workflow system (IBM, MQSeries – page 6 and Part 2 of manual starting at page 59 – Defining a Workflow Information in an FDL file). Agents are taught on page 86. And roles are taught on pages 19 and 87-89. The IBM Workflow system on page 40 mentions the Mapping To and From containers which control the workflow. This is interpreted to be the defining of subforms as the traverse the model. The example on page 40 would have the approval process performing operations on the subform. The manual must be taken as a whole.

**Claim 2**

A method according to Claim. 1, wherein the step of defining the workflow type includes the step of building a set of keyword documents into the database that uniquely identify the workflow type.

Examiner's Response

Page 90 discloses the Activity and program activity format to be stored.

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**Claim 3**

A method according to Claim 1, wherein the step of defining and customizing role documents includes the step of building a set of role definition keywords and role documents that control the workflow type.

Examiner's Response

As per claims 1 and 2

**Claim 4**

A method according to Claim 1, wherein the defined workflow type uses the process flow documents to determine what action a given user may perform within a given workflow document.

Examiner's Response

Pages 22 – 27 teach designing the process flow with program activities and control containers as well as the interaction with the Roles as per claim 1 above.

**Claim 5**

A method according to Claim 1, wherein the action control document run is defined by the process flow documents.

Examiner's Response

In addition to claims 1 and 4 above. The containers control actions (pages 26 – 27).

**Claim 6**

**IBM** anticipates a system for providing a flexible infrastructure for managing a process, comprising: means for defining a workflow type, a database including a set of database templates, said database templates including defined features; means for building a workflow pointer that defines the location of the database within a network; means for coding subforms for the defined workflow type ; means for displaying the subforms to application users; means for accessing the database templates to build a set of documents, including means for editing and customizing role documents, means for building process flow documents for the defined workflow type; and means for building action control documents for determining what happens to the defined workflow type; and means for running a set of agents to generate files that map application defined workflows into pages and actions that can be called and executed.



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Examiner's Response

As per claim 1.

**Claim 7**

A system according to Claim 6, wherein the means for defining the workflow type includes means for building a set of keyword, documents into the database that uniquely identify the workflow type.

Examiner's Response

As per claim 2.

**Claim 8**

A system according to Claim. 6, wherein the means for defining and customizing role documents includes means for building a set of role definition keywords and role documents that control the workflow type.

Examiner's Response

As per claim 3.

**Claim 9**

A system according to Claim 6, wherein the defined workflow type uses the process flow documents to determine what action a given user may perform within a given workflow document.

Examiner's Response

As per claim 4.

**Claim 10**

A system according to Claim 6, wherein the action control document run is defined by the process flow documents.

Examiner's Response

As per claim 5.

**Claim 11**

**IBM** anticipates a program storage device readable by machine and tangibly embodying a set of instructions for the machine to perform method steps for providing a flexible infrastructure for managing a process, said method steps comprising: defining a workflow type; building a workflow pointer that defines the location of a database within a network., said database

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including a set of database templates, and said database templates including defined features; coding subforms, for the defined workflow type; displaying the subforms to application users; assigning the database templates to set of documents, including

- i) defining and customizing role documents;
- ii) building process flow documents for the defined workflow type, and
- iii) building action control documents for determining what happens to the defined workflow type; and running a set of agents to generate files that Map application defined workflows into pages and actions that can be called and executed.

Examiner's Response

As per claim 1.

**Claim 12**

A program storage device according to Claim 11, wherein the step of defining the workflow type includes the step of building a set of keyword documents into the database that uniquely identify the workflow type.

Examiner's Response

As per claim 2.

**Claim 13**

A program storage device according to Claim 11, wherein the step of defining and customizing role do elements includes the step of building a set of role definition keywords and role documents that control the workflow type.

Examiner's Response

As per claims 1 and 2 above.

**Claim 14**

A program storage device according to Claim 11, wherein the defined workflow type uses the process flow documents to determine what action a given user may perform within a given workflow document.

Examiner's Response

As per claim 4.

**Claim 15**

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A program storage device according to Claim 11, wherein the action control document run is defined by the process flow documents.

Examiner's Response

As per claim 5.

***Response to Arguments***

5. Applicant's arguments filed January 17, 2004 have been considered but are moot in view of the new ground(s) of rejection. One point that should be addressed is that the Template product was for sale and for use in 1997. the Examiner provided on PTO-892 two press releases from April and June 1997 announcing product version 8.0 comprising three products and a staggered release.

1. Amendment that the database is central overcomes Template reference. The Assignee's prior commercial art such as MQSeries reads on these limitations.

***Correspondence Information***

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2003 the **FAX number** changed for the organization where this application or proceeding is assigned is **(703) 872-9306**.

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Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

A handwritten signature in black ink, appearing to read 'Todd Ingberg', with a long, sweeping line extending from the end of the signature towards the right margin of the page.

**Todd Ingberg**  
Primary Examiner  
Art Unit 2124  
February 8, 2004